

**INDIVIDUAL PRACTICES OF
MAGISTRATE JUDGE RONALD L. ELLIS**

Cases come before magistrate judges in one of two ways: for one or more specific purposes pursuant to an order of reference by the assigned district judge, or, on consent of the parties, for all purposes pursuant to 28 U.S.C. § 636(c). When a district judge approves an all-purposes consent form signed by counsel, the magistrate judge assumes the role of the district judge. Any appeal is directly to the Court of Appeals and the right to a jury trial is preserved.

It is the uniform practice of the magistrate judges in this District to schedule trials in civil consent cases for firm dates, rather than using a trailing trial calendar or requiring counsel to be available for trial on short notice. Additionally, because magistrate judges rarely try criminal cases, such firm trial dates are unlikely to be changed to accommodate criminal trials. Should counsel wish to consent to have Judge Ellis hear their case for all purposes, the necessary form is available at http://nysd.uscourts.gov/judges_files/magenstTl.pdf.

Unless otherwise ordered by Judge Ellis, matters before him shall be conducted in accordance with the following practices. These practices are applicable to cases before Judge Ellis if the matter is within the scope of the district judge's order of reference or if the case is before Judge Ellis for all purposes pursuant to 28 U.S.C. § 636(c). Otherwise, the practices of the district judge to whom the case is assigned apply.

1. Communications With Chambers

A. Letters. Except as otherwise provided below, communications with the Court should be by letter. Unless there is a request to file a letter under seal or a letter contains sensitive or confidential information, letters should be filed electronically on ECF. Letters to be filed under seal, or containing sensitive or confidential information, should be delivered to the Court by mail. Whether filed electronically or not, letters (together with any related exhibits) may not exceed 15 pages in length. Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document).

B. Telephone Calls. Telephone calls to chambers are permitted. Call Chambers at **212-805-0242**.

C. Faxes. Faxes to Chambers are not permitted, except with prior Court approval for that instance only.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call Courtroom Deputy Rupa Shah at **212-805-0242** between **10:00 A.M. and 4:00 P.M.**

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter-motions. (If a request contains sensitive or confidential information, it may be submitted by mail in lieu of being filed

electronically.) The letter-motion must state: (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least two days prior to the scheduled appearance. Extension requests usually will not be granted unless they are made reasonably in advance of the date(s) sought to be extended. If counsel is aware of the need for an adjournment substantially before the scheduled date, it is not acceptable to wait until 48 hours before the conference to notify the Court.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2. If a discovery dispute is raised with the Court by letter, the letter shall not exceed three pages. For motions other than discovery motions, a pre-motion conference is not required.

B. Letter-Motions. Letter-motions may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. "Electronic Case Filing Rules and Instructions." In particular, all requests for adjournments, extensions, and pre-motion conferences (including pre-motion conferences with respect to discovery disputes) should be filed as letter-motions.

C. Courtesy Copies.

1. Pleadings. Courtesy copies of pleadings should not be submitted to chambers.

2. Motions. Courtesy copies of all motion papers, marked as such, should be submitted to chambers, including in ECF cases. Courtesy copies are to be provided to Judge Ellis's chambers at the time the papers are served on the adversary, regardless of when the motion papers are filed.

D. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

E. Filing of Motion Papers. Motion papers shall be filed promptly after service.

F. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The Court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

G. Briefing Schedule. Papers in opposition to a motion are to be served 14 days after service of the motion and reply papers (if any) 7 days thereafter, unless a different schedule has been ordered by the Court.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery in a civil case, the parties shall submit to the Court for its approval a joint pretrial order that includes the information required by Federal Rule of Civil Procedure 26(a)(3), and the following:

- i. The full caption of the action;
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel;
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount;
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried;
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed;
- vi. Any stipulations or agreed statements of fact or law which have been agreed to by all parties;
- vii. A list of all witnesses, with a brief summary of the substance of each witness's testimony, and an indication whether such witness will testify in person or by deposition;
- viii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party;
- ix. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party in a consent case shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. In jury cases, requests to charge and proposed voir dire questions;
- ii. In nonjury cases, a statement of the elements of each claim or defense;

involving such party, together with a summary of the facts relied upon to establish each element;

iii. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and

iv. In any case where such party believes it would be useful, a pretrial memorandum.

C. Digital Copies. Any pretrial submissions, including additional requirements in the Court's Final Pretrial Scheduling Order, shall also be accompanied by a CD-ROM containing the files in WordPerfect or Word format.